

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUFUS WEST,

Plaintiff,

v.

Case No. 17-cv-482-pp
Appeal No. 24-2200

JOHN KIND, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO APPEAL
WITHOUT PREPAYING FILING FEE (DKT. NO. 125)**

On June 12, 2024, this court granted the defendants' motion for judgment on the pleadings regarding the plaintiff's claim for damages under the Fourth Amendment, granted the defendants' motion to dismiss the plaintiff's claim for injunctive relief as it pertained to the plaintiff's Fourth Amendment claim, dismissed the case and entered judgment against the plaintiff. Dkt. Nos. 119, 120. One month later, the plaintiff filed a notice of appeal. Dkt. No. 121. And on August 5, 2024, he filed a motion for leave to proceed without prepaying the appellate filing fee. Dkt. No. 125. The plaintiff was incarcerated when he filed this lawsuit, but he is no longer incarcerated.

The Federal Rules of Appellate Procedure allow a party in a district court case who wants to appeal without prepaying the appellate filing fee to file a motion with an affidavit that: (1) shows the party's inability to pay or to give security for fees and costs; (2) claims an entitlement to relief; and (3) states the issues that the party intends to present on appeal. Fed. R. App. P. 24(a)(1). If

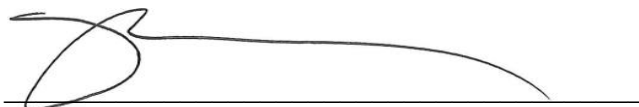
the district court allowed the party to proceed in that court without prepaying the filing fee, the party may appeal without prepaying the filing fee unless the district court certifies that the party has not appealed in good faith or that the party is not otherwise entitled to proceed without prepaying the filing fee. Fed. R. App. P. 24(a)(3).

This court granted the plaintiff leave to proceed without prepaying the filing fee at the district court level. Dkt. No. 14. That means that the plaintiff may proceed on appeal without prepaying the filing fee unless the court certifies that the appeal is taken in bad faith. An appeal is taken in bad faith when no reasonable person could suppose that the claim has merit. Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000). The court has no basis for certifying that the plaintiff is proceeding in bad faith.

The court **GRANTS** the plaintiff's motion for leave to appeal without prepaying the appellate filing fee. Dkt. No. 125.

Dated in Milwaukee, Wisconsin this 15th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge